

RAY L. LINEWEBER  
Director



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NEBRASKA STATE LEGISLATIVE BOARD

October 19, 2001

Mr. Robert L. Stephenson II  
M.P.H. Director  
Division of Workplace Programs, CSAP  
500 Fishers Lane  
Rockwall II, Suite 815  
Rockville, Maryland 20857



**Re: Comments on Proposed Mandatory Guidelines for Federal Workplace Drug Testing Programs**

Dear Director Stephenson:

The United Transportation Union (UTU) is pleased to have an opportunity to submit comments on the proposed **Mandatory Guidelines for Federal Workplace Drug Testing Programs**, hereafter referred to as "the proposal". Much sound work has been committed to the effort. However, the incorporation of many legitimate adjustments, are necessary to insure the final project is consistent with workplace drug testing protocols.

UTU has consistently advocated and supported sound policy measures when it is necessary to conduct drug and alcohol testing in the workplace. Although we previously submitted reasonable recommendations, on draft documents, the designers have, without sound reason, failed to recognize the significance of some of those.

"The proposal" background information rightly places a spotlight on the substitution, adulteration, and dilution (SAD) proliferation in the drug testing environ. Unfortunately, that same background fails to recognize or support the science which could provide an immediate and effective tool, to combat the products which present the dilemma, in the forms of on-site or point of collection testing.

UTU shared a copy of the results of the DUO Research study, as conducted at our request and with funding from UTU. The study confirmed there are products on the markets which successfully aid donors masking metabolites in urine samples. This significantly allows some donors to circumvent test results. Sadly, Health and Human Services, with the laboratory shroud of the Drug Testing Advisory Board, have chosen to ignore the scientific findings of that study.



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UTU is concerned that some donors may be accused of substituting a sample when the sample may be an "ultra-dilute". We thereby support the scientific analysis and recommendations of Dr. Vina Spiehler, in response to "the proposal."

UTU envisions a drug free workplace, but not in the manner which is being proposed in these changes. Much emphasis is placed on sample collection, analogy, and review, as it should. Unfortunately, due process mechanisms and principled time requirements, for laboratory analysis and Medical Review Officer duties, are embarrassingly inadequate. The absence of these, from the "the proposal", tarnish the regulatory oversight. Instead of it being fair and safety sensitive, to society as a whole, it has been tooled to fit the operational volume of purveyors, without accountability standards. Until fairness is both, the goal and formalized result, UTU must oppose "the proposal".

Thank you for your consideration of the UTU comments.

Sincerely,

*Ray Lineweber*

Ray Lineweber

Cc: Interested Parties